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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,509	07/11/2003	Peng-Yu Chen	3304.2.70	4005

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EXAMINER

JACKSON, ANDRE L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,509

Applicant(s)

CHEN ET AL.

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The disclosure is objected to because of the following informalities:

On page 6 of the disclosure, line 2, change “fixture member 32” to read --fixture member 31-- . Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8, 9 and 12-17 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,530,122 to Kondou et al. Kondou et al discloses a hinge device useable with an image forming apparatus for pivotally connecting a copying machine (1) and an image scanner (2) of the apparatus, comprising;

a fixture member (10) secured on the copying machine of the apparatus; a first movable member (15) pivotally coupled to a first pivot point (16) of the fixture member and having

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thereon a track (29) and a pair of spring elements (17); and a second movable member (11) having a first end (11a, 11b) lying on the spring elements and movable along the track via a friction member (7), a second end (22) secured on the image scanner of the apparatus, and a third end (at 3) pivotally coupled to a second pivot point (13) of the fixture member such that the second movable member transmits the first movable member to pivot about the first pivot point of the fixture member when the image scanner of the apparatus is pivoted about the second pivot point of the fixture member, wherein the first end of the second movable member moves along the track of the first movable member toward the copying machine of the apparatus to urge against the spring elements when the image scanner of the apparatus is pivoted to cover the copying machine of the apparatus, and the first end of the second movable member moves along the track of the first movable member toward the image scanner of the apparatus to release the spring elements when the image scanner of the apparatus is pivoted to expose the copying machine of the apparatus.

As to claims 8 and 12, as seen in Figs. 1 and 2, a flat bottom plate of the fixture member connects to a seating surface of copying machine, where the bottom plate and seating surface are coplanar and an angle between the coplanar surface and the first movable member is not greater than 90 degrees.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondou et al. Kondou et al illustrates in Figs. 4A and 4B that an angle between the first and second movable portions (movement of the friction member relative to the track) decreases during pivotal movement of the image scanner away (Fig. 4A) from the coping machine in an opening direction. However, Kondou et al does not specifically disclose that the angle between the first and second movable members is 180 degrees as claimed. Instead, Kondou et al recognizes that the opening angle between the image scanner and copying machine components of the image forming apparatus can be varied (col. 5, lines 46-54) depending upon design considerations. Therefore, it is obvious to one having ordinary skill in the art that an adjustability angle between two components, in particular, an image scanner and copying machine can be varied and can be so adjusted to have an opening angle between the parts at any angle and since Kondou et al recognizes this adjustment is a design choice well known within the art, it is also obvious to one having ordinary skill that modification of the hinge device of Kondou et al to have and included angle substantially 180 degrees between working parts is a matter of preference in design and may also prevent unwanted sudden open-close action of the image scanner relative to the copying machine which ensures proper operation of the image scanner and/or copying machine over long periods of use.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In particular, Gronbach et al, Guionie et al, Gantz, Sorimachi and Schwartz disclose various hinge assemblies including structural components capable of meeting the limitations of applicant's base claim either alone or used in combination thereof.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
Patent Examiner
AU 3677

ALJ


ROBERT J. SANDY
PRIMARY EXAMINER